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August 5, 2013

Hon. Frederic Block, U.S.D.J.
UNITED STATES DISTRICT COURT
Eastern District of New York
Long Island Federal Courthouse
944 Federal Plaza
Central Islip, New York 11722

RE: ***Katz v. Culver Narrows Beer Distributors, Inc.***
E.D.N.Y. Case No. 1:12-cv-04914-FB-VVP

Dear Senior Judge Block,

I am co-counsel for the Plaintiff. I write pursuant to Your Honor's Individual Practice Rules 2.A and 1.E to respectively request either: (1) a pre-motion conference with respect to Plaintiff's desire for leave to file a Fed. R. Civ. P. 23 Motion for Class Certification; or, in the alternative, (2) an extension of time in which to file Plaintiff's Motion for Default Judgment. The basis underpinning Plaintiff's foregoing alternative requests is set forth below.

Relevant Procedural History

In the interest of brevity, I incorporate the procedural history set forth in my letter to the Court dated July 5, 2013, in which Plaintiff previously sought either: (1) a pre-motion conference with respect to Plaintiff's desire for leave to file a Fed. R. Civ. P. 23 Motion for Class Certification; or, in the alternative, (2) an extension of time in which to file Plaintiff's Motion for Default Judgment. [Doc. 15].

By Electronic Order dated July 8, 2013, the Court granted Plaintiff's request for a pre-motion conference and, as instructed, Plaintiff served a copy of that order on Defendant. [Doc. 16]. On July 29, 2013, the Court issued an order setting the pre-motion conference for September 6, 2013. [Doc. 17]. However, September 6, 2013, is the 2nd day of Rosh Hashana and neither I nor my co-counsel are able to attend a conference. Consequently, on July 30, I filed a letter requesting an adjournment of that conference to a date after the Jewish Holidays of Rosh Hashana and Yom Kippur [Doc. 18].

On July 31, 2013, the Court issued an Electronic Order in response to Plaintiff's request for an adjournment [Doc. 18], by ordering Plaintiff to file a motion for default or a motion for default

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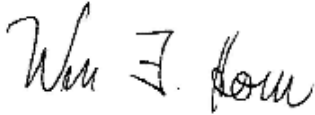
judgment - due to some ambiguity in the language of the Order, Plaintiff is unsure as to what the Court wants filed by tomorrow -- a motion for default, or a motion for default judgment.

Nonetheless, for the reasons set forth in Plaintiff's initial letter for a pre-motion conference letter [Doc. 15], Plaintiff still believes a conference with the Court would be helpful to determine whether Plaintiff should first move for class certification and if that motion is granted then to: (1) serve the class notice; and (2) move for default judgment.

Accordingly, Plaintiff again respectfully requests that Your Honor schedule a pre-motion conference to discuss Plaintiff's request to file a motion for class certification or, in the alternative, clarify whether the Court would like for Plaintiff to file motion for default judgment or simply a motion for entry of default. If the Court would like for Plaintiff to move forward with the filing of a motion for default/default judgment, Plaintiff respectfully requests a 21 day extension of time to file that motion.

Plaintiff respectfully thanks Your Honor for the Court's consideration and guidance regarding his herein requests.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wm F. Horn". The signature is fluid and cursive, with the first name "Wm" and last name "Horn" being clearly distinguishable.

William F. Horn
via ECF Filing

cc: All Counsel of Record *via ECF Filing Only*

Defendant, Culver Narrows Beer Distributors, Inc.
ATTN: Andre Pantaleo
990 McDonald Avenue
Brooklyn, NY 11230
Via FedEx Overnight Delivery Only